

REMARKS/ARGUMENTS

Claims 1-24 remain in this application. Claim 4 has been amended to correct a spelling mistake. Accordingly, no issues of new matter are believed to be raised by the above amendments to the claims.

Claim Objections

Claim 4 was objected to for having typographical error. See Page 2 of the Office Action. Applicants have amended claim 4 to correct this error. Accordingly, Applicants respectfully request that this objection be withdrawn.

Rejection Under 35 USC 103

Claims 1-24 were rejected under 35 USC 103 as being unpatentable over Shukuzaki et al. (U.S. Patent No. 5,266,321. See Page 2-4 of the Office Action. Applicants respectfully disagree.

According to the Office Action, “Shukazaki teach an oily make-up cosmetic comprising a silicone gel composition, which comprises a partially cross-linked organopolysiloxane polymeric compound and a low viscosity silicone oil. . . . Regarding the instantly claimed cosmetic form, i.e., mascara, it is the position of the examiner that the cosmetic composition of Shukuzaki meets the applicants’ claimed limitation of a mascara since the reference of Shukazaki reads on any make-up cosmetic solid, stick, or the like.” See Pages 3-4. Again, Applicants respectfully disagree.

First, Shukuzaki et al. is silent with respect to mascara, which is applied to eyelashes and eyebrows. Rather, Shukuzaki et al. relates to cosmetics that are applied to the skin. See col. 1, line 68 through col. 2, line 3 of , which states “the inventors have found that an oil make-up cosmetic which is less sticky and provides a fresh, smooth feeling to the skin but also superior make-up effects. (emphasis added).” Thus, the compositions of Shukuzaki et al. actually teaches away from mascaras, which require stickiness in order to help the compositions adhere to the hairs. Thus, one of ordinary skill in the art would not have been suggested to manufacture mascara by the teachings of Shukuzaki et al.

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Accordingly, Applicants respectfully request that the above rejection under 35 USC 103(a) be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page(s) is/are captioned "Version with markings to show changes made".

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend Claim 4 as follows:

4. (Twice Amended) A mascara of claim 2 wherein said mascara further comprises a polyuraethane.